

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BRIAN B. WILLIN, #44869-177,

Plaintiff,

v.

LORIE DAVIS, et al.,

Defendants.

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Case No. 6:19-cv-299-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Brian B. Willin, a federal inmate proceeding pro se brings this civil rights lawsuit under 42 U.S.C. § 1983 alleging violations of his constitutional rights occurring while housed at the Texas Department of Criminal Justice's Beto Unit. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.


On January 12, 2021, Judge Love issued a Report and Recommendation recommending that the Court dismiss the case with prejudice for failure to state a claim upon which relief can be granted. Docket No. 22. Plaintiff timely objected to the Report. Docket No. 23.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United*

*Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having conducted a de novo review of the record in this case, the Magistrate Judge's Report, and Plaintiff's objections, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 22) as the opinion of the District Court. Plaintiff's claims are **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted.

So **ORDERED** and **SIGNED** this **2nd** day of **March, 2021**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE